

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

PROMEGA CORPORATION, ET AL.

Plaintiff,

vs.

LIFE TECHNOLOGIES CORPORATION,  
INVITROGEN IP HOLDINGS, INC., AND  
APPLIED BIOSYSTEMS, INC.,

Defendants.

**DEFENDANTS' PROPOSED  
SPECIAL VERDICT**

Civil Action No. 10-CV-281

We, the jury, for our special verdict, do find as follows:

**Question No. 1:** Has Plaintiff proven by a preponderance of the evidence that Defendants, without authorization, have actively induced someone else to use Defendants' STR kits outside the scope of the 2006 cross license in a manner covered by any claims of the patents-in-suit?

Answer "yes" or "no":

\_\_\_\_\_

If you answered "yes," please indicate which claim or claims of which patent or patents are infringed by inducement:

United States Patent No. 5,843,660: Claims \_\_\_\_\_

United States Patent No. 6,221,598: Claims \_\_\_\_\_

United States Patent No. 6,479,235: Claims \_\_\_\_\_

United States Patent No. 7,008,771: Claims \_\_\_\_\_

United States Patent No. Re 37,984: Claims \_\_\_\_\_

**Question No. 2:** What is the total dollar amount of STR kits that Plaintiff has proven by a preponderance of the evidence were sold without authority by Defendants and used by customers outside of the scope of the 2006 cross license?

Answer: \$ \_\_\_\_\_

**Question No. 3:** Has Plaintiff proven by a preponderance of the evidence that it is entitled to lost profits?

Answer: \_\_\_\_\_  
(Yes or No)

If you answered “Yes” to Question No. 3, answer Question No. 4. If you answered “No” to Question No. 3, proceed to Question No. 5 and do not answer Question 4.

**Question No. 4:** What is the total dollar amount of lost profits to which Plaintiff is entitled for the sales in Question 2?

Answer: \$ \_\_\_\_\_

**Question No. 5:** If you found Plaintiff is not entitled to lost profits, what is the reasonable royalty rate and total dollar amount to which Plaintiff is entitled to compensate it for the sales in Question 2?

Reasonable Royalty rate: \_\_\_\_\_%

Answer: \$\_\_\_\_\_

**Question No. 6:** Has Plaintiff proven by clear and convincing evidence that Defendants' STR sales without authority under the cross license was willful?

Answer Yes or No: \_\_\_\_\_

\_\_\_\_\_  
Presiding Juror

Madison Wisconsin

Dated this \_\_\_\_ day of February, 2012